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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,536	08/31/2001	Lee C. Moore	D/A0A45	3291
7590	03/05/2010		EXAMINER	
Patrick R. Roche, Esq.			WALSH, DANIEL I	
Fay, Sharpe, Fagan, Minnich & McKee, LLP			ART UNIT	PAPER NUMBER
1100 Superior Avenue, 7th Floor				2887
Cleveland, OH 44114-2518				
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			03/05/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/944,536	MOORE, LEE C.	
	Examiner	Art Unit	
	DANIEL WALSH	2887	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 2-10-10.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 2 and 6-8 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 2 and 6-8 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____. _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeffrey et al. (US 20020083090).

Re claim 1, Jeffrey et al. teaches scanning a printed version of the document to generate scan data; performing optical character recognition functions on the scan data to generate an electronic version of the document (paragraph [0023]); determining sub section delimiters by a user indicating at least one of a font size, a font style, a text string, a text location description, specific point coordinate or a user placing a predetermined machine readable symbol representing a demarcation point on a printed version of the document as the sub section delimiter and generating the index for the document with all found items corresponding to the sub section delimiter characteristics (paragraph [0024] which teaches that at least one bookmark can be generated and location can be identified by criteria including font size, change in font, new paragraphs or any other desired element and also teaches the manual input and editing to add/create/delete bookmarks, wherein the index is automatically generated). Though silent to a sub section delimiter definition including at least one delimiter characteristic, the Examiner notes that as the criterions are able to be selected/edited/changed, that it would have been obvious for one of ordinary skill in the art that certain characteristics can be used as a delimiter definition

including a delimiter characteristic, such as perhaps larger fonts could be defined as titles/chapters, etc. Since the criteria are customizable based on how the index is desired to be created, it would have been obvious to have desired definitions set up based on how the subsections would be separated (how the document would be broken up) in order to organize the document into a particular searched form (indexed).

Re claim 6, paragraph [0026] teaches that the bookmarks of the index can be displayed with a document or alone, and as discussed above, that the bookmarks can be edited/added/deleted. FIG. 27 provides an example of a canned image of a document including the list of bookmarks/index. Therefore, this is broadly interpreted as displaying. Correction/editing has been discussed above, and would be an obvious expedient to edit/correct/change bookmarks/index such as for correction for example.

Re claim 7, the limitations have been discussed above, wherein the different criteria set up to create bookmarks of the index can be interpreted as subsection titles (or any user definable section divider for indexing/bookmarks), such being the desired form of indexing based on the document/user/etc. Accordingly, searching the document to find occurrences of the items corresponding to the defined sub-section delimiter can be interpreted as selecting a title/paragraph break, change in font, etc. (such as a user picking/selecting the first title and recognizing that it is an enlarged font/paragraph break for example) and then setting the criteria for book marking subsequent occurrences of this type of defined sub section delimiter corresponding to this selected sub section title.

2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jeffrey et al., as discussed above, in view of Saito et al. (US 6353840)

The teachings of Jeffrey et al. have been discussed above.

Jeffrey et al. is silent to displaying a plurality of pages on a user interface to select at least one demarcation point on at least one of the plurality of pages; and using the at least one demarcation point as the defined sub section delimiter. Jeffrey et al. teaches change in font, font size, etc., and other means, but is silent to specifically a demarcation point as a sub section delimiter.

Saito et al. teaches that a search template for the system can be user defined including coordinates, indentation, font size, font type, etc. (FIG. 15), interpreted as a demarcation point as a sub section delimiter.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Jeffrey et al. with those of Saito et al.

One would have been motivated to do this to permit for locating relevant areas for indexing/bookmarks also based on coordinates/demarcation points, such as though known in advance, to aid in generation of bookmarks/indexes. As the criteria are user selected, based upon scanned in documents, the Examiner notes it would have been obvious to one of ordinary skill in the art for the pages to be displayed in order for the user to view the document to determine criteria to be used.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL WALSH whose telephone number is (571)272-2409. The examiner can normally be reached on M-F 9am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL WALSH/
Primary Examiner, Art Unit 2887